

Receipt # 514624

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA LOTOCZKY

Plaintiff,

04-74365

-v-

Case No. 04-
Honorable

CK

CONNECTED VENTURES, LLC,
a California corporation,

JOHN CORRETT O'MEARA

Defendant.

SAKIS & SAKIS, PLC
Attorneys for Plaintiff

MAGISTRATE JUDGE P. STEVEN WHALEN

By: Raymond S. Sakis (P19843)
Dennis J. Grifka (P23048)
Jason R. Sakis (P59525)

Suite 123
3250 West Big Beaver Road
Troy, Michigan 48084
248.649.1160

THERE IS NO OTHER PENDING OR RESOLVED
CIVIL ACTION ARISING OUT OF THE
TRANSACTION OR OCCURRENCE ALLEGED IN
THIS COMPLAINT.

FILED

NOV - 9 2004

CLERK'S OFFICE - DETROIT, MICHIGAN /
U.S. DISTRICT COURT

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the plaintiff, Maria Lotoczky, through her attorneys, Sakis & Sakis, PLC, and for her complaint against the defendant organization, Connected Ventures LLC, states as follows:

Parties / Jurisdiction / Venue

1. This lawsuit concerns the defendant organization's invasion of the plaintiff's privacy and the defendant organization's intentional infliction of emotional distress upon her.
2. The plaintiff, Maria Lotoczky, resides in the City of Waterford, County of Oakland, State of Michigan.

3. Upon information and belief, the defendant organization, Connected Ventures, LLC, was organized under the laws of the State of California, with its principle place of business located at 1568 Oliver Avenue, Suite A, San Diego, California, 92109.

4. The defendant, Connected Ventures, LLC, is engaged in the business of hosting and managing an internet website which is known as CollegeHumor.com.

5. This internet website attracts more than 5 million visitors people worldwide, and displays 100 million pages on its website, each month.

6. The defendant organization derives a substantial profit from various organizations which pay for advertising space on the aforementioned website to advertise their products.

7. This Honorable Court has jurisdiction over the subject matter in dispute because the litigants are of diverse citizenship and jurisdiction is thus proper pursuant to 28 U.S.C. §1332. Furthermore, subject matter jurisdiction is proper because the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interest, costs, and attorney fees.

8. Venue is appropriate in this Honorable Court inasmuch as the defendant organization harmed and injured the plaintiff within this Honorable Court's jurisdiction, and also because this is the federal jurisdiction where a substantial part of the events giving rise to the claim occurred. Namely, the plaintiff's privacy was invaded within this jurisdiction and she was also subjected to intentional infliction of emotional distress in this federal district.

9. General personal jurisdiction is proper within this instance because the defendant carries on continuous and systematic business within this federal district by virtue of reaching out to businesses of this state to secure advertising for its website.

10. Limited personal jurisdiction is also proper in this instance because the defendant caused the plaintiff's privacy to be invaded within this jurisdiction and because the plaintiff was subjected to intentional infliction of emotional distress in this jurisdiction.

General Allegations

11. Plaintiff incorporates paragraphs 1-10 as though fully set forth herein.
12. The internet website, CollegeHumor.com, owned and operated by the defendant, Connected Ventures, LLC, sells advertising space to advertisers around the world.
13. The advertisers pay the defendant organization a fee to place their advertisements on the aforementioned website, which is targeted for the 18-23 age group.
14. Plaintiff, Maria Lotoczky, was employed by GMAC when she received e-mails linked to the website known as CollegeHumor.com. Likewise, other employees of the company apparently received the same type of email, which was subsequently learned by the plaintiff.
15. This link was sent to her company e-mail address, which is monitored for content by supervisory personnel of GMAC.
16. On or about January 14, 2004, supervisory personnel for GMAC approached the plaintiff and asked her not to use the company e-mail system for personal use.
17. Plaintiff was unaware of the origination of the e-mail messages and had not been using the company email system for personal use.
18. The link contained in the emails were connected to the CollegeHumor.com website and directed the viewer to an intimate photograph of the plaintiff, Maria Lotoczky, with a fabricated caption below the photograph.
19. Upon seeing the photograph of herself on the website, the plaintiff discovered that a computer disk containing her private photographs had been unlawfully taken from her home.
20. At no time did the plaintiff provide the defendant, or anyone else with permission for her private and intimate image to be displayed or dispersed in any manner.
21. At no time did the defendant contact the plaintiff for permission for her likeness to be displayed on the internet website.

22. Due to the posting of the plaintiff's personal photograph on the website, the plaintiff was constructively discharged from her position at GMAC.

23. The embarrassment and humiliation the plaintiff suffered from her colleagues' and supervisors' observance of the photograph caused the work environment at GMAC to be intolerable to the plaintiff.

24. The defendant's actions were committed with reckless indifference to the privacy rights of the plaintiff, Maria Lotoczky.

25. As a result of the defendant's reckless failure to receive permission to display and disperse the plaintiff's personal image/photograph over the internet, the plaintiff, Maria Lotoczky, has sustained significant lost wages, severe emotional pain and suffering, shame, humiliation, damage to her reputation amongst professional colleagues and her community, costs, attorney fees, punitive damages, and all other damages available.

Count I
Invasion / Intrusion of Privacy

26. Plaintiff incorporates paragraphs 1-25 of her Complaint by reference, as though they were fully stated herein.

27. Plaintiff, Maria Lotoczky, had a right to privacy in connection with her personal and intimate photographs.

28. Notwithstanding the plaintiff's right to privacy, her personal photographs were stolen from her residence and, without her knowledge and/or permission, were placed on the defendant's website accompanying advertisements for which the defendant derived a profit.

29. The invasion of the plaintiff's privacy by the publication of her private photographs on the website was extremely objectionable and injurious to the plaintiff.

30. The publication of the plaintiff's photograph on the defendant's website without her knowledge and permission caused her extreme mental suffering, pain, and humiliation.

31. As a result of the defendant's reckless failure to receive permission to display and disperse the plaintiff's personal image/photograph over the internet, the plaintiff, Maria Lotoczky, has sustained significant lost wages, severe emotional pain and suffering, shame, humiliation, damage to her reputation amongst professional colleagues and her community, costs, attorney fees, punitive damages, and all other damages available.

Count II
Invasion of Privacy / Appropriation

32. Plaintiff incorporates paragraphs 1-31 of her Complaint by reference, as though they were fully stated herein.

33. By using the plaintiff's photographs in connection with other paid advertisements to secure the viewer's attention, the defendant secured a pecuniary benefit.

34. The intimate photograph published on the defendant's internet website was that of the plaintiff, which displayed the plaintiff's first name for identification below the photograph.

35. By using the plaintiff's intimate photograph in connection with other advertisements, thereby bringing more attention to said advertisements, the defendant gained pecuniary benefit.

36. The aforementioned publication of the plaintiff's photograph by the defendant has invaded the plaintiff's privileges and protection of her personal feelings, and caused her substantial loss of earnings along with mental and physical injury.

37. As a result of the defendant's reckless failure to receive permission to display and disperse the plaintiff's personal image/photograph over the internet, the plaintiff, Maria Lotoczky, has sustained significant lost wages, severe emotional pain and suffering, shame, humiliation, damage to her reputation amongst professional colleagues and her community, costs, attorney fees, punitive damages, and all other damages available.

Count III
Invasion of Privacy / Publication

38. Plaintiff incorporates paragraphs 1-37 of her Complaint by reference, as though they were fully stated herein.

39. The defendant organization knew, or should have known, that by publishing the intimate photographs of the plaintiff concerning her private life on its internet website without her knowledge or permission, such publication would be highly offensive and damaging to the plaintiff.

40. The defendant organization's publication of the plaintiff's intimate photographs concerning her private life, without her knowledge or permission, was not a legitimate concern to the general public.

41. The aforementioned publication of the plaintiff's intimate photographs without her knowledge or permission created unnecessary publicity, and was an unreasonable and serious interference with the plaintiff's interest in not having her affairs known to others.

42. Defendant's publication of the plaintiff's intimate images concerning her private life, without her knowledge or permission, by virtue of placing said photographs on its internet website, exposed the plaintiff to hundreds of thousands of viewers, thereby providing a widespread communication of said photographs to the general public as opposed to a limited group.

43. As a consequence of the defendant's publication of the plaintiff's intimate images, the plaintiff has suffered monetary loss, embarrassment, humiliation, and emotional distress.

44. As a result of the defendant's reckless failure to receive permission to display and disperse the plaintiff's personal image/photograph over the internet, the plaintiff, Maria Lotoczky, has sustained significant lost wages, severe emotional pain and suffering, shame, humiliation, damage to her reputation amongst professional colleagues and her community, costs, attorney fees, punitive damages, and all other damages available.

Count IV
Invasion of Privacy; False Light

45. Plaintiff incorporates paragraphs 1-44 of her Complaint by reference, as though they were fully stated herein.

46. Defendant's publication of the plaintiff's intimate image concerning her private life on its website, without her knowledge or permission, thereby exposing the plaintiff's photograph to hundreds of thousands of viewers, caused the plaintiff significant publicity.

47. Defendant's publication of the plaintiff's intimate photographs on its website placed the plaintiff in a false light, in the public eye by portraying her as an immoral person.

48. As a result, plaintiff has sustained monetary loss, humiliation, and severe mental pain.

49. As a result of the defendant's reckless failure to receive permission to display and disperse the plaintiff's personal image/photograph over the internet, the plaintiff, Maria Lotoczky, has sustained significant lost wages, severe emotional pain and suffering, shame, humiliation, damage to her reputation amongst professional colleagues and her community, costs, attorney fees, punitive damages, and all other damages available.

Count V
Intentional Infliction of Emotional Distress

50. Plaintiff incorporates paragraphs 1-49 of her Complaint by reference, as though they were fully stated herein.

51. Defendant's publication of the plaintiff's intimate, private, photographs, without her knowledge or permission, constituted extreme and outrageous conduct.

52. Defendant's publication of the plaintiff's intimate, private, photographs on its website, without her knowledge or permission, was done intentionally or in outright, wanton, reckless disregard of the plaintiff's rights to privacy.

53. Defendant's publication of the plaintiff's intimate, private, images, without her knowledge or permission was prominently displayed on an e-mail message system which was transmitted to her supervisors and co-workers at GMAC.

54. Employees of the plaintiff's employer, including the plaintiff were advised by the management of GMAC not to use the e-mail system for anything but work purposes.

55. That, contrary to the company guidelines and rules, the private image was placed on the company email system.

56. As a result, numerous employees and management viewed the picture.

57. Due to the posting and viewing of the plaintiff's photograph, she was constructively discharged by her former employer, GMAC.

58. The placement of the intimate and private photograph on its website, without her knowledge and permission, was the proximate cause of the plaintiff's constructive discharge.

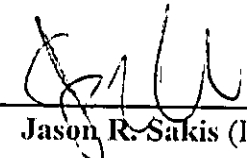
59. As a result Plaintiff has sustained monetary loss, humiliation, and severe mental pain.

WHEREFORE, the plaintiff, Maria Lotoczky, respectfully requests that the plaintiff be awarded compensation in an amount in excess of Seventy-Five Thousand Dollars (\$75,000), exclusive of interest, costs, and attorney fees, for her past, present, and future non-pecuniary losses resulting from the defendant organization's conduct, back pay and other lost wages and benefits lost, punitive damages for the defendant's malicious and/or reckless conduct, costs, attorney fees, and other relief as is reasonably necessary to compensate the plaintiff for the invasion of her privacy and the intentional infliction of emotional distress upon her, all in amounts to be determined at trial.

Demand is hereby made for a trial by jury.

SAKIS & SAKIS, PLC
Attorneys for Plaintiff

DATED: November 2, 2004

By: 
Jason R. Sakis (P59525)

O'neal/ RSW
74365

JS 44 11/99

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Oakland

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

Maria Lotoczky

(b) County of Residence of First Listed

Oakland - MI**DEFENDANTS**

Connected Ventures LLC
1568 Oliver Avenue, Ste. A
San Diego, California 92109

County of Residence of First Listed

San Diego - CA

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jason R. Sakis (P59525) / Sakis & Sakis, PLC
3250 West Big Beaver Rd., Ste. 123
Troy, Michigan 48064 - 248.649.1160

Attorneys (If Known) JOHN O'BRIEN O'NEAL
Unknown

MAGISTRATE JUDGE R. STEVEN WHALEN

11. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item 11)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|---|---------------------------------------|---|------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> PLA | <input type="checkbox"/> DEF | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> PLA | <input type="checkbox"/> DEF |
| Citizen of Another | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Com modities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multi district Litigation
☐ 7 Appeal to District Judge from Magistrate

V1. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

diversity of citizenship / 28 U.S.C. 1332

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$ DEMAND

CHECK YES only if demanded in complaint:

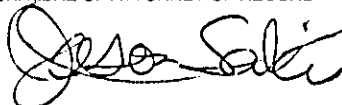
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD



PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes:
